

Remarks

Claims 1, 4-12, 15-17, 22-32, 37-53, and 55-58 are pending in the application and are presented for reconsideration. Claims 1, 4, 10-12, 15, 30 and 58 have been amended; Claims 2, 3, 13, 14, 18-21, 33-36 and 54 have been canceled; and claims 5-9, 16-17, 22-29, 31-32, 37-53, and 55-57 remain in the application unchanged. No new matter has been added.

Claim Rejections/Objections

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-53 and 55-58 are rejected under 35 U.S.C. § 102(e) as being anticipated by Natarajan et al. (U.S. Pat. No. 6,765,864).

Claims 14, 21, 36, and 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner's rejections of the claims are respectfully traversed.

I. Rejection of Claims Under 35 U.S.C. § 112, Second Paragraph

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that Claim 1 is vague and indefinite because it is unclear what is/are the concrete step(s) or results needed in order to predict a future network-wide performance problem.

Claim 1 has been amended to recite:

A method of managing a network comprising the steps of:
polling resources of the network to gather real-time status information about the network;
evaluating performance of the network by identifying network-wide patterns in the gathered real-time status information; and
determining, based on the result of said step of evaluating and from at least one previously defined rule correlating disparate characteristics of

the resources of the network, an action for preventing a future network-wide performance problem from occurring;

wherein said disparate characteristics include those selected from: CPU run queue capacity, CPU run queue blocks, CPU run queue waits, context switching, memory paging, swap allocation, disk writes, disk blocking, disk waiting, disk utilization, network inbound packets, network outbound packets, network errors, and network collisions.

The limitation "based on the result of said step of evaluating, providing a prediction of a future network-wide performance problem" has been removed from Claim 1, so that the vague and indefinite language pertaining to predicting a future network-wide performance problem is removed and replaced with definite language including the step of determining an action for preventing a future network-wide performance problem based on the result of the step of evaluating and from at least one previously defined rule correlating disparate characteristics of the resources of the network. Accordingly, it is believed that any vagueness or indefiniteness has been removed from Claim 1, and that the rejection of Claim 1 under 35 U.S.C. § 112, second paragraph is now overcome.

II. Rejections of Claims Under 35 U.S.C. § 102/103

Response to Rejections of Claims Under 35 U.S.C. § 102

PLEASE NOTE: On page 2, paragraph 4, Claims 1-53 and 55-58 are rejected under 35 U.S.C. § 102(e) as being anticipated by Brockel et al. However, this is believed to be a typographical error, as the Examiner then proceeds on pages 3 through 21 to reference Natarajan et al. (U.S. Pat. No. 6,765,864). Further, on page 2, paragraph 1 of the Office Action, the Examiner indicates that the Final Rejection of claims 1-53 and 55-58 over Brockel et al. is withdrawn. Accordingly, Applicant has considered the rejection to be Claims 1-53 and 55-58 are rejected under 35 U.S.C. § 102(e) as being anticipated by Natarajan et al. (U.S. Pat. No. 6,765,864).

Claim 1 has been amended to include all of the limitations of Claims 2, 3, 13 and 14. Accordingly, per the Examiner's objection of Claim 14 and accompanying indication of allowable subject matter, Claim 1 is now believed to

be allowable because it now recites all of the limitations of Applicant's Claim 14 including all of the limitations of the base claim and any intervening claims.

Claims 4-12 depend from independent base Claim 1 and add further limitations, and are therefore also believed to be in position for allowance.

Claim 15 has been amended to include all of the limitations of Claims 18, 19, 20 and 21. Accordingly, per the Examiner's objection of Claim 21 and accompanying indication of allowable subject matter, Claim 15 is now believed to be allowable because it now recites all of the limitations of Applicant's Claim 21 including all of the limitations of the base claim and any intervening claims.

Claims 16-17 and 22-29 depend from independent base Claim 15 and add further limitations, and are therefore also believed to be in position for allowance.

Claim 30 has been amended to include all of the limitations of Claims 33, 34, 35, and 36. Accordingly, per the Examiner's objection of Claim 36 and accompanying indication of allowable subject matter, Claim 30 is now believed to be allowable because it now recites all of the limitations of Applicant's Claim 36 including all of the limitations of the base claim and any intervening claims.

Claims 31-32, 37-53 and 55-57 depend from independent base Claim 30 and add further limitations, and are therefore also believed to be in position for allowance.

Claim 58 has been amended to include all of the limitations of Claims 30 and 58. Accordingly, per the Examiner's objection of Claim 58 and accompanying indication of allowable subject matter, Claim 58 is now believed to be allowable because it now recites all of the limitations of Applicant's Claim 58 including all of the limitations of the base claim and any intervening claims.

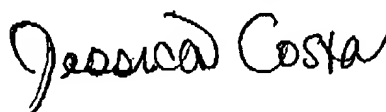
Conclusion

In view of the foregoing remarks, it is respectfully submitted that none of the references cited by the Examiner taken alone or in any combination shows, teaches, or discloses the claimed invention, and that Claims 1, 4-12, 15-17, 22-32, 37-53, and 55-58 are in condition for allowance. Reexamination and reconsideration are respectfully requested.

Should the Examiner have any questions regarding this amendment, or should the Examiner believe that it would further prosecution of this application, the Examiner is invited to call the undersigned.

February 5, 2007

Respectfully submitted,



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